

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY and)
MONSANTO TECHNOLOGY LLC,)

Plaintiffs,)

vs.)

Case No. 4:09-CV-00686-ERW

E.I. DUPONT DE NEMOURS AND)
COMPANY and PIONEER HI-BRED)
INTERNATIONAL, INC.,)

Defendants.)

DEFENDANTS' MOTION FOR LEAVE TO FILE DOCUMENT UNDER SEAL

Pursuant to E.D. Mo. L. R. 13.05(A) and the Protective Order entered in this case (Dkt. # 238), E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (collectively "Defendants") hereby respectfully move the Court for an order allowing Defendants to file under seal a complete, unredacted copy of Defendants' Second Amended Answer and Counterclaims. The basis for this relief is as follows:

1. The Court has previously allowed the parties to file various pleadings and exhibits under seal. (*See, e.g.*, Dkt. Text Orders entered May 20, 2009 and June 17, 2009).

2. Defendants respectfully request that they be permitted to file under seal a complete, unredacted version of their Second Amended Answer and Counterclaims because it contains certain confidential and proprietary information. Concurrently herewith, Defendants are filing a redacted version of this document (with the confidential and proprietary information removed) in the publicly available court file.

WHEREFORE, Defendants respectfully request that the Court enter an order allowing Defendants to file a complete, unredacted copy of Defendants' Second Amended Answer and Counterclaims.

Dated: August 19, 2010

Respectfully submitted,

LEWIS RICE FINGERSH, L.C.

By: /s/ C. David Goerisch
Andrew Rothschild, #4214
C. David Goerisch, #77207
500 N. Broadway, Suite 2000
St. Louis, Missouri 63102

Leora Ben-Ami
Thomas F. Fleming
Christopher T. Jagoe
Howard S. Suh
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022

Donald L. Flexner
BOIES, SCHILLER & FLEXNER LLP
575 Lexington Avenue, 7th Fl.
New York, New York 10022

James P. Denvir
Amy J. Mauser
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Avenue, N.W.
Washington, D.C. 20015

*Counsel for Defendants E.I. du Pont de Nemours
and Company and Pioneer Hi-Bred International, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

- **Steven M. Berezney**
steve.berezney@huschblackwell.com
- **Kurt G. Calia**
kcalia@cov.com
- **Matthew A. Campbell**
macampbell@winston.com
- **Scott W. Clark**
sclark@mwe.com
- **Joseph P. Conran**
joe.conran@huschblackwell.com
- **Todd J. Ehlman**
tehlman@winston.com
- **Anthony J. Franze**
Anthony.Franze@aporter.com
- **Greg G. Gutzler**
greg.gutzler@huschblackwell.com
- **Omri E. Praiss**
omri.praiss@huschblackwell.com
- **John J. Rosenthal**
jrosenthal@winston.com
- **Rebecca M. Ross**
rmross@winston.com
- **Mark A. Smith**
markasmith@winston.com
- **Steven G. Spears**
sspears@mwe.com,jjknapp@mwe.com
- **Tamara M. Spicer**
tamara.spicer@huschblackwell.com,jean.melenbrink@huschblackwell.com
- **Dan K. Webb**
dwebb@winston.com

/s/ C. David Goerisch